IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21808 of 2004

Between:

Mohd.Zakeera Sultana, D/o.M.Habeebulla Khan,
R/o.6/MIG,Gachibowli,Housing Board, Colony,
Phase-I, R.R.District.

..... PETITIONER

AND

1 The Vice Chairman and Housing Commissioner, Housing Board,

Hyderabad.
2 The Executive Engineer, Housing North Division, A.P.H.B.

Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass an order, direction or writ, particularly, in the nature of Writ of Mandamus declaring the proposed auction of the Respondent dt.4-12-2004 by their notice in the Vaartha dt.20-11-2004 as illegal, arbitrary and against the fundamental rights of the petitioner and set aside the same only so far as the petitioner's House NO.6/MIG Gatchibowli, R.R.Dist. is concerned and further direct R1 to allot the same to the petitioner @ 2750/- per sq.yard.

Counsel for the Petitioner: MR. AKELLA SREENIVASA RAO

Counsel for the Respondents: MR. J. PRABHAKAR RAO

The Court at the stage of admission made the following:

ORDER:

Challenging the auction notice dated 20.11.2004 issued by the 1st respondent-Vice Chairman and Housing Commissioner proposing to auction the adjacent land of the petitioner's house on 04.12.2004, the present writ petition is filed.

The case of the petitioner is that originally she purchased a House No.6/MIG in an extent of 190 sq. yards from the A.P. Housing Board in the year 2003. It is stated that adjacent to the said house there is 579.05 sq. yards of land lying vacant and she has submitted an application dated 12.12.2001 requesting the 2nd respondent to allot the said extent of 579.05 sq. yards to her. It is stated that she attended before the sub-committee meeting and after negotiations it was finally decided that the said land may be allotted to her at Rs.2,750/- per sq. yard. It is further stated that subsequently she made series of representations to the respondents for issuance of formal allotment letter. The grievance of the petitioner is that without considering her representations, the 1st respondent has issued an auction notice in Vaartha daily dated 20.11.2004 proposing to auction the said land on 4.12.2004. Hence, the writ petition.

Heard the learned counsel for the petitioner and learned counsel for the respondents. Both counsel agreed for disposal of the writ petition at the stage of admission.

It is to be noted that simply because the petitioner has purchased the said extent of 190 sq. yards, she cannot claim that adjacent land to an extent of 579.05 sq. yards has to be allotted to her only. More over, the offer made by the petitioner is only Rs.2,750/- per sq. yard, whereas in the auction notice dated 20.11.2004 issued by the respondents, the minimum rate prescribed per sq. yard is at Rs.6,000/-. If the adjacent land is less than 100 sq. yards, certainly the request of the petitioner may be considered, but not huge land of 579.05 sq. yards at the rate offered by her.

Since the property in question is a public property, the action of the Housing Board for sale of the same by way of public auction cannot be said to be illegal or arbitrary. There are no merits in the writ petition. Accordingly, the same is dismissed at the admission stage. However,
if the petitioner is so interested, she is at liberty to participate along with others in the proposed auction to be conducted on 04.12.2004.

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(N.V. RAMANA, J)

Date: 29.11.2004

Nsr/Tvk

To

1 The Vice Chairman and Housing Commissioner, Housing Board,

Hyderabad.
2 The Executive Engineer, Housing North Division, A.P.H.B.

Hyderabad.

3 Two CD copies.